

GROWMARK

RECEIVED
FEDERAL ELECTION
COMMISSION

GENERAL COUNSEL'S DIVISION 2016 FEB 29 PM 12: 01

P.O. BOX 2500 • BLOOMINGTON, IL 61702-2500 • (309) 557-6000 • <http://www.growmark.com>

February 26, 2016

OFFICE OF GENERAL
COUNSEL

Federal Election Commission
Office of Complaints Examination and Legal Administration
Attn: Donna Rawls, Paralegal
999 E Street, NW
Washington, DC 20436

Re: MUR 7007
Total Grain Marketing, LLC regarding:
"Kyle McCarter for Congress Committee"

Mr. Jeff S. Jordan:

Total Grain Marketing, LLC. ("TGM") received your letter dated February 12, 2016 (see attached) indicating your concerns that it violated the Federal Election Campaign Act of 1971, as amended (the "Act"). We believe that no action should be taken against TGM in this matter as: 1) TGM made no contribution to the "Kyle McCarter for Congress Committee;" and 2) we have properly and timely rectified this matter by reversing all transactions prior to receiving notice of the infractions.

For information, TGM is a subsidiary of GROWMARK, Inc., ("GROWMARK"). As shown by the records of the Secretary of State of Illinois, the proper registered agent of TGM is Brent D. Bostrom, General Counsel of GROWMARK. Your letter, addressed to "Registered Agent" was mailed to a location of TGM, and not the main office, nor the office of the Registered Agent in Bloomington, Illinois. It was not received by the main office of TGM until February 22 and was not received by the office of the Registered Agent until February 24, 2016. The letter demanded a response within 15 days of receipt. While we have obliged with sending a response within the period the letter was received by a location of TGM, this is not a waiver of our right to 15 days from the Registered Agent's actual receipt of the letter.

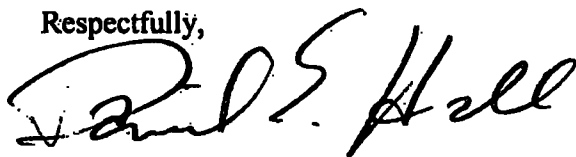
The incident at issue began on November 11, 2015 when Darren Baily, a customer of TGM, delivered grain to the Mount Vernon (grain) Terminal in exchange for three grain tickets totaling \$10,008.69 (see attached). Baily then went to a TGM location at Casey, Illinois to exchange the tickets for cash. Once there, he requested that the check be made out to "Kyle McCarter for Congress Committee" (the "Committee"). The Casey location granted his request, however that action was outside company policy. It is TGM's practice to refuse this type of request and it is

currently in the process of establishing a formal written policy in order to avoid any additional incidents of this type. TGM employees have been notified of the importance of this policy.

At this time, the Committee has fully refunded the money to TGM (see attached). On February 25, 2016, TGM reissued a check in the amount of \$10,008.69 to Baily (see attached). At no time did TGM intend to violate the Act and it has been actively engaged in correcting any offense that occurred.

Based upon the above facts and the enclosed documents, GROWMARK requests that no action be taken against TGM. Please contact me at (309) 557-6294 with any questions or concerns.

Respectfully,



Daniel S. Hall
Deputy General Counsel
GROWMARK, Inc.
1701 Towanda Avenue
Bloomington, IL 61701
Dhall@growmark.com

Enclosures:

Statement of Designation of Counsel
Original Charge Letter
Secretary of State Detail showing Registered Agent address
Purchase Settlement Sheet
Vendor Settlement
Copy of Check from Committee to TGM
Copy of Check from TGM to Darren Baily



FEDERAL ELECTION COMMISSION

999 E Street, NW

Washington, DC 20463

STATEMENT OF DESIGNATION OF COUNSEL

Please use one form for each Respondent/Entity/Treasurer.

FAX (202) 219-3923

MUR # 7007

NAME OF COUNSEL: Daniel S. Hall

FIRM: GROWMARK, General Counsel's Division

ADDRESS: 1701 TOWNSEND AVE

BLOOMINGTON, IL 61701

TELEPHONE- OFFICE (309) 557-6294

FAX (309) 557-8199 **Web Address** dhall@GROWMARK.COM

The above-named individual and/or firm is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

2/26/14
Date

[Signature]
Respondent/Agent -Signature

General Manager
Title (Treasurer/Candidate/Owner)

RESPONDENT: TOTAL GRAIN MARKETING, LLC
(Committee Name, Company Name, or Individual Named in Notification Letter)

MAILING ADDRESS: 405 SOUTH BAKER STREET, P.O. BOX 629
(Please Print)

EFFINGHAM, IL 62401

TELEPHONE- HOME () _____

BUSINESS (217) 342-9412

Information is being sought as part of an investigation being conducted by the Federal Election Commission and the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) apply. This section prohibits making public any investigation conducted by the Federal Election Commission without the express written consent of the person under investigation.



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

FEB 12 2016

Registered Agent
Total Grain Marketing, LLC
403 S. Central Avenue
Casey, IL 62420

RE: MUR 7007

Dear Sir or Madam:

The Federal Election Commission received a complaint that indicates Total Grain Marketing, LLC may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 7007. Please refer to this number in all future correspondence.

The Act affords you the opportunity to demonstrate in writing that no action should be taken against Total Grain Marketing, LLC in this matter. If you wish to file a response, you may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Where appropriate, statements should be submitted under oath by persons with relevant knowledge. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with 52 U.S.C. § 30109(a)(4)(B) and § 30109(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. Please be advised that, although the Commission cannot disclose information regarding an investigation to the public, it may share information on a confidential basis with other law enforcement agencies.

If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission. Please note that you have a legal obligation to preserve all documents, records and materials relating to the subject matter of the complaint until such time as you are notified that the Commission has closed its file in this matter. See 18 U.S.C. § 1519.

¹ The Commission has the statutory authority to refer knowing and willful violations of the Act to the Department of Justice for potential criminal prosecution, 52 U.S.C. § 30109(a)(5)(C), and to report information regarding violations of law not within its jurisdiction to appropriate law enforcement authorities. *Id.* § 30107(a)(9).

Any correspondence sent to the Commission, such as a response, must be addressed to one of the following (note, if submitting via email this Office will provide an electronic receipt by email):

Mail

Federal Election Commission
Office of Complaints Examination
and Legal Administration
Attn: Donna Rawls, Paralegal
999 E Street, NW
Washington, DC 20436

Email

drawls@fec.gov &
jjordan@fec.gov

If you have any questions, please contact Donna Rawls at (202) 694-1650 or toll free at 1-800-424-9530. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,

Jeff S. Jordan /jjl
Jeff S. Jordan
Assistant General Counsel
Complaints Examination &
Legal Administration

WWW.CYBER ILLINOIS.COM

JESSE WHITE
SECRETARY OF STATE**LLC FILE DETAIL REPORT**

Entity Name	TOTAL GRAIN MARKETING, LLC	File Number	01965883
Status	ACTIVE	On	08/27/2015
Entity Type	LLC	Type of LLC	Foreign
File Date	09/12/2006	Jurisdiction	DE
Agent Name	BRENT D. BOSTROM	Agent Change Date	09/12/2006
Agent Street Address	1701 TOWANDA AVENUE	Principal Office	405 S BANKER ST EFFINGHAM, IL 62401
Agent City	BLOOMINGTON	Management Type	MGR View
Agent Zip	61701	Duration	PERPETUAL
Annual Report Filing Date	08/27/2015	For Year	2015
Assumed Name	INACTIVE - ILLIANA RAILCAR SERVICES		
Series Name	NOT AUTHORIZED TO ESTABLISH SERIES		

[Return to the Search Screen](#)[Select Certificate of Good Standing for Purchase](#)

(One Certificate per Transaction)

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TOTAL GRAIN MARKETING LLC

Mkt & S Mount Vernon IN
1 Port Road - Mount Vernon, IN 47620-8524
12-833-3920

Vendor Settlement

Date
Time

Nov 17, 2015
2:22:27 PM

520954
TOTAL GRAIN MARKETING, LLC
405 S. BANKER ST
EFFINGHAM IL 62401
217-342-9412

Pay Doc No: 2005384152
Payment Date: 11/17/2015
Check No: 53360859
Amount: \$117,671.44

Scale Tkt No
Scale Tkt Date
Settlement No
Contract No

Gross Qty Lbs Net Qty Lbs Split % Net Bu Qty Avg Bu Price Gross Amount Corn Check-Off Disc Total Fees Net Amount

1030030708	80,680	52,040	100.00	929.29	\$4.1400	\$3,847.26	\$0.00	(\$126.81)	\$0.00	\$3,726.45		
11/11/2015	Grades	MSI	TW	DMG	HTDMG	FM	Rocks	Bugs	Sour	Cofe	Musty	Heating
6210034840	13.800	61.200	0.600	0.000	7.400	N	N	N	N	N	N	N
4010001008	Disc				(\$120.810)							
BOL/Contr: C KITLY FARMS Lic Plate/Railcar: 1306/RED												
1030030718	81,860	52,120	100.00	930.71	\$4.1400	\$3,853.14	\$0.00	(\$37.23)	\$0.00	\$3,815.91		
11/11/2015	Grades	MSI	TW	DMG	HTDMG	FM	Rocks	Bugs	Sour	Cofe	Musty	Heating
6210034841	14.000	58.900	0.400	0.000	4.600	N	N	N	N	N	N	N
4010001008	Disc				(\$37.230)							
BOL/Contr: C MIKE KITLEY Lic Plate/Railcar: 7801/BLACK												
1030030721	78,940	50,220	100.00	896.79	\$3.9500	\$3,542.32	\$0.00	(\$35.87)	\$0.00	\$3,506.45		
11/11/2015	Grades	MSI	TW	DMG	HTDMG	FM	Rocks	Bugs	Sour	Cofe	Musty	Heating
6210034842	15.100	60.100	0.400	0.000	1.000	N	N	N	N	N	N	N
4010000995	Disc				(\$35.870)							
BOL/Contr: 03148 Lic Plate/Railcar: 7855/WHITE												
1030030728	80,840	53,220	100.00	950.36	\$4.1400	\$3,934.49	\$0.00	(\$38.01)	\$0.00	\$3,896.48		
11/11/2015	Grades	MSI	TW	DMG	HTDMG	FM	Rocks	Bugs	Sour	Cofe	Musty	Heating
6210034843	15.400	59.900	0.400	0.000	1.700	N	N	N	N	N	N	N
4010001008	Disc				(\$38.010)							
BOL/Contr: C DARREN BAILEY Lic Plate/Railcar: 8116/WHITE												
1030030730	78,360	48,960	100.00	874.29	\$4.1400	\$3,619.56	\$0.00	(\$69.94)	\$0.00	\$3,549.62		
11/11/2015	Grades	MSI	TW	DMG	HTDMG	FM	Rocks	Bugs	Sour	Cofe	Musty	Heating
6210034844	15.500	60.300	0.600	0.000	4.300	N	N	N	N	N	N	N
4010001008	Disc				(\$34.970)							
BOL/Contr: C DARREN BAILEY Lic Plate/Railcar: 5878/GREEN												
1030030731	78,180	49,960	100.00	892.14	\$4.1400	\$3,693.46	\$0.00	(\$35.69)	\$0.00	\$3,657.77		
11/11/2015	Grades	MSI	TW	DMG	HTDMG	FM	Rocks	Bugs	Sour	Cofe	Musty	Heating
6210034845	15.300	59.700	0.400	0.000	1.900	N	N	N	N	N	N	N
4010001008	Disc				(\$35.690)							
BOL/Contr: C DARREN BAILEY Lic Plate/Railcar: 8201/WHITE												
030030732	77,880	51,040	100.00	911.43	\$4.1400	\$3,773.32	\$0.00	(\$54.69)	\$0.00	\$3,718.63		
1/11/2015	Grades	MSI	TW	DMG	HTDMG	FM	Rocks	Bugs	Sour	Cofe	Musty	Heating
210034846	15.300	59.800	0.400	0.000	3.400	N	N	N	N	N	N	N
010001008	Disc				(\$36.460)							
BOL/Contr: C DARREN BAILEY Lic Plate/Railcar: 5877/RED												
030030743	80,540	53,880	100.00	962.14	\$3.9500	\$3,800.45	\$0.00		\$0.00	\$3,800.45		
1/11/2015	Grades	MSI	TW	DMG	HTDMG	FM	Rocks	Bugs	Sour	Cofe	Musty	Heating
210034847	14.200	60.900	0.600	0.000	0.800	N	N	N	N	N	N	N
010000995	Disc											
BOL/Contr: 03149 Lic Plate/Railcar: 3669/WHITE												
100030746	80,280	52,680	100.00	940.71	\$3.9500	\$3,715.80	\$0.00		\$0.00	\$3,715.80		
1/11/2015	Grades	MSI	TW	DMG	HTDMG	FM	Rocks	Bugs	Sour	Cofe	Musty	Heating
110034848	13.800	60.400	0.200	0.000	1.700	N	N	N	N	N	N	N
10000995	Disc											
BOL/Contr: 13314 Lic Plate/Railcar: 7259/TAN												
100030748	77,980	50,740	100.00	906.07	\$3.9500	\$3,578.98	\$0.00		\$0.00	\$3,578.98		
1/1/2015	Grades	MSI	TW	DMG	HTDMG	FM	Rocks	Bugs	Sour	Cofe	Musty	Heating
10034849	14.200	60.400	0.600	0.000	2.800	N	N	N	N	N	N	N
10000995	Disc											
BOL/Contr: 13312 Lic Plate/Railcar: 8750/WHITE												

Id.: 2301855

KYLE MCCARTER FOR CONGRESS

SPRINGFIELD, IL 62791
USA

Purchase Settlement Sheet

Commodity: CORN CORN
Date: 11/23/2015
Settlement No.: 25814TGM/EFFINGHAM
410 S WILLOW ST
BOX 829
EFFINGHAM, IL 62401
USAPhone: 342-9234
FAX: 347-5949

Contract / Ticket Summary

No.	Type	Contract Date	Price Shipment	FOB	Bushel	Priced	Settled	Remaining	Gross	- Discounts	- Charges	Settlement
13432	SPT	11/23/2015	4.2325 NOV 15			2,403.00	2,403.00	0.00	10,170.69	148.98	15.02	10,008.69
Totals for this settlement sheet:												
						2,403.00	2,403.00	0.00	10,170.69	148.98	15.02	10,008.69

Special Discounts: 1 Infested 2 Musty 3 Sour 4 Colo

Ticket Detail for Contract : 13432 No. Tickets: 3

Ticket No.	Date	Origin	Unit/Share	% Sett/Shrink	Bushel Applied	MOIS	TW	CRM	DM	HD	AFL	STRE	Special Disc.	Price/Discount	Total Discount	Net Price/ Applied	Total Charges	Settlement Amount
8030728	11/11/2015		550.36	77.25 %	734.28	15.4	59.9	1.7	0.4					4.2325	29.37	4.1825	4.59	3,073.88
			41,120 LB		Checkoff: 4.59									.0400		3,078.47		
8030730	11/11/2015		874.29	100.00 %	874.29	15.5	60.3	4.3	0.6					4.2325	89.94	4.1925	5.46	3,825.09
			48,980 LB		Checkoff: 5.46									.0800		3,830.49		
8030732	11/11/2015		911.43	100.00 %	794.43	15.3	59.8	3.4	0.4					4.2325	47.67	4.1725	4.97	3,309.76
			44,488 LB		Checkoff: 4.97									.0600		3,314.75		
Totals:			2,403.00		2,403.00	15.4	60.0	9.3	0.5							10,028.71	15.02	10,008.69

Note: Grade Factors Regged with an "M" have their discount amounts prorated to the Applied weight.

Deduction Summary

Checkoff Agency/Cont Check Off										Checkoff Tax			
Contract No.	Settled Qty	Total Gross	Total Discounts	Quality	Drying	Stor/DPC	Checkoff	Total Charges	Freight	Other	Total Settlement	Less Advances	Net Settlement
13432	2,403.00	10,170.69	50.86	50.86	96.12		15.02				10,008.69		10,008.69
Totals:	2,403.00	10,170.69	50.86	50.86	96.12		15.02				10,008.69		10,008.69

Remit Funds To: KYLE MCCARTER FOR CONGRESS

Print Type: Check

Amount: Payment Terms: 10,008.69

Due Date: 11/23/2015

Net Settlement:

10,008.69

Payment Amount:

10,008.69

Settlement of delivery against Purchase Contract

KYLE McCARTER FOR CONGRESS COMMITTEE
40 COMMERCE LN
LEBANON, IL 62254

REGIONS BANK

1126

2/10/2016

PAY
TO THE
ORDER OF

Total Grain Marketing

\$ **10,008.69

Ten Thousand Eight and 69/100

DOLLARS

Total Grain Marketing
2000 W South St
Shelbyville, IL 62565

MEMO

Refund

SECURITY LOCKS WILL DISAPPEAR WHEN COPIED OR WITH NORMAL BODY HEAT

Paul K. [Signature]
AUTHORIZED SIGNATURE

KYLE McCARTER FOR CONGRESS COMMITTEE
Total Grain Marketing

Date Type Reference
2/10/2016 Bill

Original Amt.
10,008.69

Balance Due
10,008.69

2/10/2016

Discount

Check Amount

Payment
10,008.69
10,008.69

1126

Regions

Refund

10,008.69

IN METRO

GA 301

12 FEB '16

PM 10-1



UNITED STATES POSTAGE
Eagle logo

02 1P
0001936646 FEB 11 2016
MAILED FROM ZIP CODE 30605

*ATTEN:
JACK*

62565999955



UTJUNCO44444400001

Total Grain Marketing
To: DARREN BAILEY
Invoice Number 1135
Date 02/25/2016
Description
K. MCCARTER CHECK
Amount \$10,008.69
Discount \$0.00
Paid Amount \$10,008.69
Check Number: 053851
Date: 02/25/2016

TOTALS: \$10,008.69 \$0.00 \$10,008.69

Total Grain Marketing
405 S. Banker St.
P.O. Box 629
Effingham, IL 62401



FIFTH THIRD GENERAL ACCOUNT

053851
73-27/421

DATE
Feb 25, 2016
AMOUNT
\$10,008.69

Ten Thousand Eight Dollars And 69 Cents

Pay to the Order of:

DARREN BAILEY

IOLA, IL 62838

Darren Bailey